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October 6, 2017

BY ECF

Honorable George B. Daniels
United States District Court for the Southern District of New York
Daniel P. Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: *Tantaros v. Fox News Network, LLC, et al.*, No. 1:17-cv-02958 (GBD):
Initial Conference and Plaintiff's Substitution of Counsel**

Dear Judge Daniels:

I write on behalf of Fox News Network, LLC and Irena Briganti (the "Fox News Defendants") in response to (i) the application of Judd Burstein and Judd Burstein, P.C. to withdraw as counsel for Plaintiff, and for a 60-day stay of proceedings in this case [ECF No. 87; the "Application"]; and (ii) the letter submitted by Martha B. Stolley of Morgan, Lewis & Bockius LLP on behalf of Plaintiff, Andrea Tantaros, dated October 5, 2017 [ECF No. 94; the "Letter"].

With respect to the Application, the Fox News Defendants consent to Mr. Burstein's withdrawal and the request for a stay, subject to three requests.¹

First, the proposed withdrawal should in no way relieve Mr. Burstein or his law firm from liability with respect to the pending motions for sanctions filed by Fox News Network, LLC, William Shine and Irena Briganti, and by Peter A. Snyder and Disruptor, Inc. [Doc. 18 & 38, respectively; ("Rule 11 Motions")]. In the Declaration of Judd Burstein, Esq. [Doc. 88] accompanying the Application, Mr. Burstein appears to concede that he and his law firm remain subject to the relief sought in the Rule 11 Motions, seeking to withdraw "except insofar as allowing us to defend against the pending Rule 11

¹ Fox News Defendants note that the Application does not comply with the requirements of Local Rule 1.4 insofar as it does not state whether Mr. Burstein and his law firm are asserting a retaining or charging lien with respect to this litigation.



Honorable George B. Daniels
October 6, 2017
Page 2

motions directed at us.” Burstein Dec. ¶ 1. The egregious conduct of Mr. Burstein and his law firm in violation of Rule 11 includes filing false or otherwise unsupported allegations in Plaintiff’s Complaint without conducting a reasonable pre-filing investigation, for the purpose of harassing and publicly smearing the defendants. Withdrawal as counsel should not excuse Mr. Burstein and his law firm from liability for signing a pleading in violation of Rule 11, and any order granting the Application should expressly confirm this ongoing obligation.

Second, the Fox News Defendants request that if this case is stayed, the Court schedule oral argument on the pending motions for a date as promptly as possible after November 27, 2017, as proposed by Ms. Stolley in the Letter. The case has been pending since April 24, 2017; the pending motions by the Fox News Defendants have been fully submitted since July 12, 2017; and the pending motions by defendants Snyder and Disruptor, Inc. have been fully submitted since September 1, 2017.

Third, the Fox News Defendants request that their motion for limited expedited discovery on their pending Rule 11 motion be excluded from the requested stay. Mr. Burstein continues to represent himself and his firm on the Rule 11 motion, and the discovery sought is all from non-party witnesses.

As to the Letter, Ms. Stolley suggests that the Court could hold the initial conference currently scheduled for October 12, 2017, provided that there be no oral argument on any of the pending motions. Given the pendency of dispositive motions, and all of the defendants’ consent to a limited stay, the Fox News Defendants respectfully submit that there are no substantive matters otherwise requiring the Court’s attention at this time.

Accordingly, the Fox News Defendants respectfully request that any order by the Court approving the Application include provisions that: (1) Mr. Burstein and his law firm remain liable with respect to any sanction that may be awarded against them on the pending Rule 11 Motions; (2) oral argument be scheduled on the defendants’ pending motions as soon as possible after November 27, 2017; and (3) the requested stay not apply to the Fox News Defendants’ motion for expedited Rule 11 discovery. Furthermore, the Fox News defendants respectfully request that the initial



Honorable George B. Daniels
October 6, 2017
Page 3

conference scheduled for October 12, 2017 be postponed until after the Court rules upon the pending motions to compel arbitration or dismiss the case.

Respectfully submitted,

/s/ Linda C. Goldstein

Linda C. Goldstein

cc: All Counsel (by ECF)